

**PUBLIC NOTICE**  
**INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION**  
**CITY OF SAN JOSÉ, CALIFORNIA**

***Project File Number, Description, and Location***

**PDC07-096.** Planned Development Rezoning from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District to allow up to 218 attached residences and 22,600 square feet for commercial uses on a 3.59 gross acres site and subsequent permits located at the southwest corner of West San Carlos Street and Meridian Avenue, including properties along Page Street & Meridian within appx. 350' of W. San Carlos Street. (Michael Van Every, Republic Urban Properties, Developer) Council District: 6

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does** contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 1,000 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **August 19, 2008**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **July 29, 2008** and ends on **August 19, 2008**.

A public hearing on the project described above is tentatively scheduled for **Wednesday, August 20th at 6:30 PM** in the City of San Jose Council Chambers, 200 East Santa Clara Street, San Jose, CA 95113. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 200 East Santa Clara Street, San José CA 95113-1905. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the **Rose Garden Branch** Library, San José, CA, and online at <http://www.sanjoseca.gov/planning/eir/MND.asp>. Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Ed Schreiner** at (408) 535-3555.

Joseph Horweddel, Director  
Planning, Building and Code Enforcement

Circulated on: \_\_\_\_\_

7-28-08

Deputy





11/13/2007

Scale: 1"= 250'  
Noticing Radius: 500 feet

**File No: PDC07-096**

**District: 6**

**Quad No: 82**

**DRAFT**  
**MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

**NAME OF PROJECT:** PDC07-096 - W. San Carlos Mixed Use

**PROJECT FILE NUMBER:** PDC07-096

**PROJECT DESCRIPTION:** Planned Development Rezoning from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District to allow up to 218 attached residences and 22,600 square feet for commercial uses on a 3.59 gross acres site and subsequent permits

**PROJECT LOCATION & ASSESSORS PARCEL NO.:** Southwest corner of West San Carlos Street and Meridian Avenue, including properties along Page Street & Meridian within appx. 350' of W. San Carlos Street; 277-20-006, 007 009, 010, 011, 012, 013, 014 & 015

**COUNCIL DISTRICT:** 6

**APPLICANT CONTACT INFORMATION:** Republic Urban Properties, Attn: Michael Van Every, 95 S Market Street, San Jose, CA 95113, (408)977-7718

**FINDING**

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

**MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL**

- I. **AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

- II. AGRICULTURE RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

**III. AIR QUALITY**

**Mitigation measure 3-1:** The following controls shall be implemented during all construction phases of the project:

- Water all active construction sites at least twice daily, and more often during windy periods;
- Cover all trucks hauling soil, sand and other loose materials *or* require all trucks to maintain at least two feet of freeboard;
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more);
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) Sufficient to prevent visible airborne dust;
- Limit traffic speeds on unpaved roads to 15 mph;
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways; and
- Replant vegetation in disturbed areas as quickly as possible.

**IV. BIOLOGICAL RESOURCES**

**Mitigation Measure 4-1:** City policy requires the replacement of the removed trees consistent with the following ratios:

Diameter of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
18 inches or greater	5:1	4:1	3:1	24-inch box
12 - 18 inches	3:1	2:1	none	24-inch box
less than 12 inches	1:1	1:1	none	15-gallon container
<p>x:x = tree replacement to tree loss ratio</p> <p><b>Note:</b> Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.</p>				

In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the City's Environmental Principal Planner, at the development permit stage:

- The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
- An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement.
- A donation of \$300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Planning Project Manager prior to issuance of a development permit.

**V. CULTURAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

**VI. GEOLOGY AND SOILS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

**VII. HAZARDS AND HAZARDOUS MATERIALS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

**VIII. HYDROLOGY AND WATER QUALITY**

**Mitigation Measure 8-1:** The project shall incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities. Examples of BMPs are contained in the publication *Blueprint for a Clean Bay*. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works, 200 East San Carlos, San Jose, California 95110-1795. The Erosion Control Plan may include BMPs as specified in ABAG's *Manual of Standards Erosion & Sediment Control Measures* for reducing impacts on the City's storm drainage system from construction activities. For additional information about the Erosion Control Plan, the NPDES Permit requirements or the documents mentioned above, please call the Department of Public Works at (408) 535-8300.

- Prior to the issuance of a Planned Development Permit, the applicant must provide details of specific Best Management Practices (BMPs), including, but not limited to, bioswales, disconnected downspouts, landscaping to reduce impervious surface area, and inlets stenciled "No Dumping – Flows to Bay" to the satisfaction of the Director of Planning, Building and Code Enforcement.
- The project shall comply with Provision C.3 of NPDES permit Number CAS0299718, which provides enhanced performance standards for the management of stormwater of new development.

- The project shall comply with applicable provisions of the Post-Construction Urban Runoff Management Policy (6-29) which establishes guidelines and minimum BMPs for all projects.

**Mitigation Measure 8-2:** Prior to the commencement of any clearing, grading or excavation, the project shall comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit as follows:

- The applicant shall develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities;
- The applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).

**Mitigation Measure 8-3:** The project applicant shall comply with the City of San Jose Grading Ordinance, including erosion and dust control during site preparation and with the City of San Jose Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:

- Restriction of grading to the dry season (April 15 through October 15);
- Utilize on-site sediment control BMPs to retain sediment on the project site;
- Utilize stabilized construction entrances and/or wash racks;
- Implement damp street sweeping;
- Provide temporary cover of disturbed surfaces to help control erosion during construction;
- Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

**IX. LAND USE AND PLANNING** – The project will not have a significant impact on this resource, therefore no mitigation is required.

**X. MINERAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

**XI. NOISE**

**Mitigation Measure 11-1:** The project shall be constructed in conformance with the STC rating recommendations for windows and doors as contained in the report entitled *West San Carlos Mixed-Use Project, San Jose, California, Environmental Noise Assessment* by Charles M. Salter Associates Inc.

The project shall be constructed using sound rated windows with ratings between STC 28 and 43. The lower ratings would apply to the windows in dwelling units facing the interior and most units along the western edge of the site. The highest ratings would apply to corner rooms at the intersection of West San Carlos Street and Meridian Avenue.

A detailed analysis shall be prepared during design to select appropriate windows. Since windows must be closed to achieve the interior noise criteria, an alternate means of

providing outside air to habitable space is required for facades exposed to an interior DNL of 60dB, or greater.

- XII. POPULATION AND HOUSING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XIII. PUBLIC SERVICES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XIV. RECREATION** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XV. TRANSPORTATION / TRAFFIC** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XVI. UTILITIES AND SERVICE SYSTEMS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XVII. MANDATORY FINDINGS OF SIGNIFICANCE** – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no additional mitigation is required.

#### **PUBLIC REVIEW PERIOD**

Before 5:00 p.m. on August 19, 2008, any person may:

Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or

Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Joseph Horwedel, Director  
Planning, Building and Code Enforcement

Circulated on: 7-28-08  
Deputy

SBWalsh

Adopted on: \_\_\_\_\_  
Deputy

MND/JAC 8/26/05

## PUBLIC HEARING NOTICE

The Planning Commission and the City Council of the City of San José will consider a change in **ZONING** at a public hearing in accordance with the San José Municipal Code on:

**Planning Commission Hearing**  
**Wednesday, August 20, 2008**  
**6:30 p.m.**  
**City Council Chambers**  
**City Hall**  
**200 East Santa Clara Street**  
**San Jose, CA 95113**

**City Council Hearing**  
**Tuesday, September 09, 2008**  
**7:00 p.m.**  
**City Council Chambers**  
**City Hall**  
**200 East Santa Clara Street**  
**San Jose, CA 95113**

The project being considered is:

**PDC07-096. Planned Development Prezoning/Rezoning from County and CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District to allow up to 218 attached single-family residences and 22,600 square feet for commercial uses on a 3.59 gross acres site, located on the south side of West San Carlos Street between Meridian Avenue and Page Street (Dubrovnik Properties, LLC & Nicholas Gera, Owner). Council District 6. SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration.**

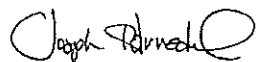
Reports, drawings, and documents are available for review from 9:00 a.m. to 5:00 p.m., Monday through Friday, and a draft staff report and recommendations will be available for review seven calendar days prior to the public hearing at:

Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street; 3<sup>rd</sup> Floor Tower  
San José, CA 95113  
(408) 535-7800  
<http://www.sanjoseca.gov/planning/hearings/>

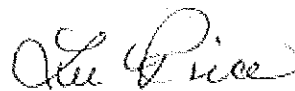
You are welcome to attend and to speak on this issue. To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-7800 or (408) 294-9337 (TTY) at least two business days before the meeting. **Muốn biết tin tức bằng tiếng Việt Nam về tờ thông tin này, xin quý vị liên lạc Trung Nguyen ở số (408) 535-7883. Para información en Español acerca de esta solicitud, comuníquese con Juan Borrelli al (408) 535-7709.**

*\* If you choose to challenge this land use decision in court, you may be limited to only those issues you, or someone else, raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing.*

Comments and questions are welcome and should be referred to the **Project Manager, Ed Schreiner**, at the e-mail address: [edward.schreiner@sanjoseca.gov](mailto:edward.schreiner@sanjoseca.gov) in the Department of Planning, Building and Code Enforcement. Please refer to the above file number for further information on this project.



Joseph Horwedel, Director  
Dated: July 24, 2008



Lee Price, MMC, City Clerk

Noticing Radius: 1000 ft